

RECEIVED
JUN - 9 2003
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SBE, there is an interference threat to DTV from wireless video assist devices because "the effects of co-channel or adjacent-channel interference to a nearby DTV receiver from a WAVD [wireless video assist device] is unknown."⁴ Much like the broadcast representatives, AMPTP is concerned by the potential for interference to DTV and NTSC broadcasts. To minimize these concerns, however, AMPTP urges the Commission to limit signal propagation (defined as the ability to reliably receive the video assist signal) to 300 meters. To further alleviate the concerns of the broadcast industry, AMPTP suggests that the ERP output be reduced to 1 watt maximum.⁵ While this may hinder production in remote locations, AMPTP believes this provides the Commission with a workable solution to the interference concerns raised.

Moreover, AMPTP agrees with both NAB and SBE's suggestions that, in order to avoid conflict with existing broadcasters, the Commission should initiate notification procedures with the local broadcast coordinating groups.⁶ AMPTP suggests that the Commission enact notification procedures similar to those recently adopted in the 700 MHz guard band proceeding.⁷ Specifically, the Commission mandated that the guard band manager notify the public safety coordinators of proposed operation from new guard band licensees. AMPTP believes that a similar notification process between the broadcast coordinating groups and the proposed wireless video assist device user

⁴ SBE Comments at 3.

⁵ This approach has received at least tacit approval by Phonic in its comments. See Phonic Comments at 3 ("If the Commission sees fit to afford them that priority, then Phonic Ear urges that the following limitations be imposed: (i) Transmitter power output should be limited to one watt . . .").

⁶ See NAB Comments at 3 ("This makes it critically important that users follow licensing and frequency coordination procedures established by the Commission in order to avoid interference to other users."); SBE Comments at 3 ("[I]n the event that the Commission nevertheless authorizes WAVDs, such newcomer users would have an obligation to frequency coordinate, and protect, all existing users.").

⁷ See In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, *Second Report and Order*, WT Docket No. 99-168, (rel. March 9, 2000) at ¶ 35.

would be sufficient to alleviate the concerns of the broadcast industry regarding wireless video assist device usage. A notification process which includes notice of the location and anticipated shooting schedule of the production company would allow the broadcast coordinator to identify specific technical issues with respect to possible interference. In the event of actual harmful interference, the production company, as a secondary user, would then be expected to take all steps necessary to resolve the problem by mutually satisfactory arrangements.⁸

Interference with Public Safety Systems.

As part of their comments to this proceeding, both the NAB and the SBE have suggested that use of the wireless video assist devices, as proposed, could cause harmful interference to public safety systems.⁹ First, AMPTP emphasizes that we are *not* seeking use of any channels in the 470-512 MHz band that have been allocated either for public safety or land mobile use. Moreover, we request, much like the County of Los Angeles, that the Commission expressly exclude those frequencies from wireless video assist device usage.¹⁰

Instead, AMPTP is seeking to use those unused channels specifically allocated for television use in the 174-216 MHz and 470-746 MHz bands.¹¹ In order to further

⁸ In the event that a dispute arises which cannot be resolved without Commission intervention, AMPTP urges the Commission to place restrictions on any of the interested parties as it deems necessary.

⁹ See NAB Comments at 1 ("The rule changes advocated in the *Petition*, if adopted, would result in extensive interference to existing public safety and wireless microphone users in these bands . . ."); SBE Comments at 2-3 ("[I]t will only be a matter of time before such devices end up being transported to such areas by a movie/motion picture production company, without a clue as to the interference that will be caused, and this includes potential interference to public safety users . . .").

¹⁰ See County Comments at 2 ("Therefore, the County urges that any Commission consideration of the AMPTP *Petition* expressly exclude those frequencies in the 470-512 MHz band that have been allocated for public safety and other land mobile operations pursuant to Part 90 of the Commission's rules.").

¹¹ AMPTP notes that it is *not* seeking use of any channels that may have been reallocated as part of the recently concluded 700 MHz proceeding.

alleviate the concerns of the public safety community, however, AMPTP suggests that the Commission require a 6 MHz channel separation between any public safety channel and any channel selected for wireless video assist use.

Congestion in the “Unused” Television Channels.

Some commenters have implied that the use of wireless video assist devices will simply increase congestion in the already congested unused television channels.¹² It is AMPTP’s position, however, that the notification and negotiation procedures outlined above nullify the concerns that production companies will attempt to “shoe-horn” wireless video assist devices into already congested areas. Moreover, given the limited scope and range of these devices, any possible coordination issues with wireless microphones should be within the production location or facility itself. AMPTP reiterates that, in the event that a dispute arises concerning possible interference to a licensed user outside the production location, the wireless video assist device user (as a secondary user) has the obligation to take any steps necessary to resolve the interference complaint.

Lack of Compliance.

SBE and Phonic further suggest that, if permitted, wireless video assist devices will proliferate and be used on an unlicensed basis that cannot be easily monitored.¹³ Both commenters point to instances of unauthorized use of wireless microphones as

¹² NAB Comments at 3 (“Broadcasters used licensed and frequency coordinated wireless microphones in the bands described by AMPTP to support their operations.”); SBE Comments at 2 (“[A]ttempts would be made to shoe-horn in WAVDs in already congested areas . . .”).

¹³ SBE Comments at 2 (“Bottom line: if WAVDs are allowed to be build and/or imported, SBE’s expectation is that they will be used wherever desired and under hit-and-run conditions.”); Phonic Comments at 2 (“If video devices were available, there is no reason to believe that they would not be equally widely distributed and used as both commercial devices and for private amusements. In effect, the devices could easily turn into an unauthorized Part 15-type of operation that cannot realistically be policed.”).

examples of the potential for abuse.¹⁴ AMPTP acknowledges that rogue use of wireless microphones is a cause for concern, but suggests that such use generally occurs at large live events, such as the Academy Awards, or large news events. AMPTP urges the Commission to expressly exclude the use of wireless video assist devices from these types of events. Instead, the use of wireless video assist devices, as proposed by AMPTP, would be limited to a production location or facility and the decision to use wireless video assist devices on the unused television channels will be a facility decision and will not affect other locations. It is the singular intent of AMPTP that the use of wireless video assist devices be restricted to entertainment production *only* and not be available for news, news gathering, or live events. In the event that unauthorized use of a wireless video assist device is discovered, AMPTP strongly urges the Commission to strictly enforce the height and power restrictions, as well as the notification and negotiation procedures outlined in AMPTP's proposal.

Conclusion.

AMPTP continues to feel that the proposals outlined in its Petition for Rule Making are both feasible and easily incorporated into the Commission's rules. Just as importantly, AMPTP believes that its proposals are also practical and beneficial to the public interest because they promote more efficient use of the radio spectrum. Accordingly, AMPTP again strongly urges the Commission to initiate a rule making

¹⁴ SBE Comments at 2 ("The Southern California Frequency Coordinating Committee (SCFCC) has even seen parking attendants talking to limo drivers at the Academy Awards using wireless microphones . . ."); Phonic Comments at 2 ("Every auditorium and theater has at least one, and they are sold on a widespread basis over the counter to any purchaser, with or without a license and regardless of eligibility.").

proceeding to adopt the proposals contained within its Petition for Rule Making.

Respectfully submitted,

**Alliance of Motion Picture &
Television Producers**
15503 Ventura Boulevard
Encino, CA 91436

By: /s/ J. Nicholas Counter
J. Nicholas Counter III
President

Date: June 9, 2000

CERTIFICATE OF SERVICE

I, Laura L. Smith, do hereby certify that on the 9th day of June 2000, I forwarded to the parties listed below a copy of the foregoing Reply Comments of the Alliance of Motion Picture and Television Producers by first-class mail, postage pre-paid:

Magalie Roman Salas*
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Mr. Julius Knapp*
Chief, Policy and Rules Division
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, SW, Room 7-B133
Washington, DC 20554

Thomas Derenge*
Chief, Spectrum Allocations Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, SW, Room 7-A222
Washington, D.C. 20554

Henry L. Baumann
Jack N. Goodman
Ann W. Zuvekas
National Association of Broadcasters
1771 N Street, NW
Washington, DC 20036

Christopher D. Imlay, Esq.
Booth, Freret, Imlay & Tepper
5101 Wisconsin Avenue, NW, Suite 307
Washington, DC 20016

Peter Tannenwald, Esq.
Irwin, Campbell & Tannenwald, PC
1730 Rhode Island Avenue, NW, Suite 200
Washington, DC 20036

Robert M. Gurss, Esq.
Shook, Hardy & Bacon LLP
600 14th Street, NW, Suite 800
Washington, DC 20005

/s/ Laura L. Smith
Laura L. Smith

* Via Hand Delivery